

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 6

Two Chatham Center, Suite 510

112 Washington Place

Pittsburgh, PA 15219-3458

Telephone: (412) 395-4400

Fax: (412) 395-5986

Region6@nlrb.gov

October 12, 2005

Re: Fulton Precision Ind.
Case 6-RD-1569

Mr. Shawn E. Covert
545 Long View Road
McConnellsburg, PA 17233

Dear Mr. Covert:

Your petition seeking an election among certain employees of Fulton Precision Ind. has been carefully investigated and considered.

Decision to Dismiss: Based on that investigation, I have concluded that further proceedings are not warranted and I am dismissing your petition for the following reasons:

It appears that further proceedings are not warranted at this time inasmuch as the petition was untimely filed. It is the policy of the National Labor Relations Board to treat a certification under Section 9 of the Act as establishing the exclusive bargaining representative with certainty and finality for a period of one year. Brooks v. NLRB, 348 U.S. 96, 103 (1954); American-New Lexington Health Care Center, 316 NLRB 1226 (1995); Centr-O-Cast Engineering Co., 100 NLRB 1507, 1508 (1987). To effectuate the policy of affording the employer and the union full opportunity to arrive at an agreement, the Board has developed the rule that petitions, asserting that a question concerning representation exists, will be dismissed if filed before the end of the certification year.

The investigation disclosed, in connection with this petition, that International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) was certified by the National Labor Relations Board as the collective-bargaining representative of the Employer's production and maintenance employees, including quality inspectors, fork lift operators, assembly workers, truckdrivers, shippers and clean-up employees, which is the unit petitioned-for herein, on April 5, 2005, in Case 6-RC-12436. Thus, your petition was filed before the end of the certification year and was untimely filed. I am, therefore, dismissing the petition in this matter.

Your Right to Obtain a Review of Dismissal Action: Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, any party may obtain a review of this action by filing a request for review with the Executive Secretary of the National Labor Relations Board at 1099 – 14th Street, NW, Washington, DC 20570-0001. A request for review may not be filed by facsimile. You may, however, file a request for review electronically via the Internet in accordance with instructions previously provided to the parties. Those instructions may also be found at the Agency's Internet website at www.nlrb.gov under "E-Gov". If you file a

request for review, you must also send a copy to the other parties to this proceeding and to me in the same or faster manner as that used to serve the Board. Also, please note the following:

Request for Review Due date: The request for review must be received by the Executive Secretary for the Board in Washington, DC by the close of business at **5:00 p.m. EST (EDT)** on **October 21, 2005**. However, if you mail the request for review, it will be considered timely if it is postmarked no later than one day before the due date.

Extension of Time to File Request for Review: Upon good cause shown, however, the Board may grant special permission for a longer period within which to file a request for review. Any request for an extension of time may be filed in writing, by facsimile or electronically via the Internet, but must be received in Washington, DC no later than the request for review due date indicated above. A copy must be sent to each of the parties to this proceeding and to me in the same or faster manner as that used to serve the Board.

Request for Review Contents: The request for review must contain a complete statement setting forth the facts and the reasons that support your request for review of the decision to dismiss the petition. The request for review and any request for extension of time must include a statement as to the manner of service on the other parties to this proceeding and on me.

Very truly yours,

Gerald Kobell
Regional Director

cc:

Lester A. Heltzer, Executive Secretary
National Labor Relations Board
1099 - 14th Street, N.W.
Washington, DC 20570-0001

Fulton Precision Ind.
300 Success Drive
McConnellsburg, PA 17233

Bruce D. Bagley, Esquire
McNees Wallace & Nurick, LLC
100 Pine Street, P. O. Box 1166
Harrisburg, PA 17108

International Union, United Automobile,
Aerospace & Agricultural Implement
Workers of America (UAW)
Phil Watkins, International Rep.
602 Evans City Road, Suite 200
Butler, PA 16001

sm